

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

STEVEN B. BARGER,)
Plaintiff,)
v.) Case No. 1:17-cv-04869-FB-LB
FIRST DATA CORPORATION, *et al.*,)
Defendants.)

**SUPPLEMENTAL DECLARATION OF JENNIFER VOYCHESKE IN SUPPORT OF
THE OPPOSITION OF DEFENDANTS FIRST DATA CORPORATION, FRANK
BISIGNANO, DAN CHARRON, AND ANTHONY MARINO TO PLAINTIFF'S
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS
PURSUANT TO FED. R. CIV. P. 12(c)**

I, Jennifer Voycheske, hereby declare and certify as follows:

1. My name is Jennifer Voycheske. I am above the age of majority and am competent to provide this written sworn testimony under oath.
2. I am a citizen of the State of Nebraska residing in Omaha.
3. In the course of preparing for my deposition in this case scheduled for July 23, 2018, I reviewed my Declaration in support of Defendants' Opposition to Plaintiff's Motion for Partial Judgment on the Pleadings Pursuant to Rule 12(c)[ECF 37-1 at p. 29]. This is a supplement to that Declaration.
4. In Paragraph 14 of my Declaration, I stated that Steven Barger responded to my inquiry about when his leave began by telephone. Upon further review, Mr. Barger communicated this information to me by email. On January 5, 2017 at 4:27 PM CT, I emailed Mr. Barger the following question: "Thanks Steve. Can you clarify when you stopped working?

Was it on 9/4/16 or 10/22/16? Thanks again." Mr. Barger responded to my question at 4:28 PM CT stating: "9/4. My operation was 9/6." A copy of this email exchange between myself and Mr. Barger is attached as Exhibit 6. It is my understanding that Exhibit 6 was previously produced by Defendant First Data Corporation on March 9, 2018 as Bates Number FDC00007896-98.

5. Paragraph 15 of my Declaration refers to Exhibit 2, a computer screenshot from MetLife indicating the date of Mr. Barger's disability as "9/4/16." Upon further review, I also viewed another computer screenshot from MetLife which at the top states "Info as of 01/04/2017" which reflects that MetLife had approved Mr. Barger's Disability Date as September 4, 2016, with a Benefit Start Date of September 18, 2016, a date which takes into consideration the 14 day waiting period applicable to short term disability. A copy of this computer screenshot is attached as Exhibit 7. It is my understanding that Exhibit 7 was previously produced by Defendant First Data Corporation on February 21, 2018 as Bates Number FDC00000362.

I declare under 28 U.S.C. § 1746 and penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 16 2018



Jennifer Vojcheske
Jennifer Vojcheske